IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.148 of 2002
CHANDRA BHUSHAN KUMAR
Versus
CHANDRAWATI DEVI & ANR
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12. 6.5.2011. Heard Mrs. Sudha Kumari, learned counsel for the appellant and Mr. Barun Kumar Choudhary, learned counsel for respondent no.2/Oriental Insurance Company Limited, Begusarai on the petition filed for withdrawal of the statutory amount which was deposited at the time of filing of the appeal under section 173(1) of the Motor Vehicles Act, 1988.

Learned counsel for the appellant submits that the present appeal was allowed and the order passed by the Tribunal was set aside and, accordingly, the amount deposited at the time of filing of the appeal under section 173(1) of the Act may be refunded to the appellant.

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It is true that the appeal was allowed and the impugned order was set aside but at the same time this Court had directed the parties to appear before the Tribunal. Meaning thereby that the matter was remitted back to the Motor Vehicles Accident Claim Tribunal, Begusarai.

In any view of the matter, the Court is of the opinion that the amount deposited by the appellant, at time of filing of the appeal, can be refunded to him. From the petition, which was filed by the appellant for refund of the amount, it is evident that the appellant had authorized his counsel Mrs. Sudha Ambastha for receiving the amount. It was submitted by Mrs. Sudha Ambastha,

learned Advocate that on Advocate Roll earlier her name was Sudha Kumari and now her name has been changed as Sudha Ambastha.

Accordingly, it is directed to refund the amount, which was deposited, at the time of filing of the appeal, under section 173(1) of the Motor Vehicles Act, 1988 to Mrs. Sudha Ambastha, learned counsel for the appellant.

The petition stands allowed.

Md.S. **(Rakesh Kumar, J.)**

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